

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 EUMI L. CHOI (WVBN 0722)
3 Chief, Criminal Division

4 MONICA FERNANDEZ (CSBN 168216)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
Telephone: (415) 436-7065
7 FAX: (415) 436-7234

8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 JOHN KAROW, JR.,)
18 Defendant.)
19 _____)

No. CR-05-00349-VRW

~~PROPOSED~~ ORDER EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

20 This matter came on the calendar of the Honorable Vaughn R. Walker on June 21, 2005.
21 At the parties' request, the Court continued the matter until August 2, 2005 at 10:30 a.m.

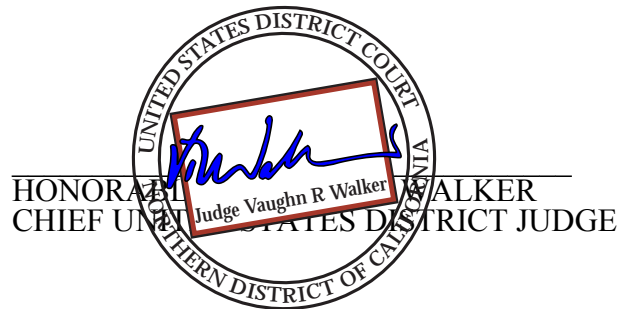
22 The parties requested an exclusion of time under the Speedy Trial Act from June 21
23 through August 2, 2005 based upon the need for effective preparation of counsel and continuity
24 of counsel. The government is in the process of providing discovery to the defense. This
25 discovery, especially the computer discovery, is voluminous. The defendant's counsel will need
26 ample time to review this discovery. Additionally, defense attorneys Nanci Clarence and Joshua
27 Lerner are beginning a trial on July 11, 2005 that is anticipated to last at least two weeks. Thus,
28 the next available date on the Court's calendar that is agreeable to the defense is August 2, 2005.

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Therefore, the parties are requesting an exclusion of time. The parties agree that the time from June 21 through August 2, 2005 should be excluded in computing the time within which trial shall commence. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

Accordingly, the Court HEREBY ORDERS that the time from June 21 through August 2, 2005, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant the requested exclusion would deny the defendant continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).
SO ORDERED.

DATED: June 29, 2005



Approved as to form:

/s/ Joshua Lerner
NANCI CLARENCE, ESQ. or
JOSHUA LERNER, ESQ.
Attorneys for Defendant

/s/ Monica Fernandez
MONICA FERNANDEZ
Assistant United States Attorney